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Settlers upon the Winnebago and Crow Creek Reservations

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SETTLERS UPON THE WINNEBAGO AND CROW CREEK RESERVATIONS.

MARCH 7, 1888.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PERRY, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1944.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1944) for the relief of settlers upon the Winnebago and Crow Creek Reservations in Dakota, having had the same under consideration, respectfully submit the following report:

It appears that on the 27th day of February, 1885, President Arthur issued an order opening to settlement some 472,554 acres of these reservations, and immediately a large number of people, desiring to occupy said lands, entered thereon and erected more or less improvements.

Some years previous to this order railways had been built near these lands, making them accessible to people who desired homes, and a great many people at once entered upon the lands immediately upon the issuance of the proclamation.

An executive order was issued and published, nullifying the order opening to settlement the lands herein mentioned, and requiring all parties to vacate the same within sixty days, which order was issued April 17, 1885.

The object and purposes of this bill are to reach some estimate, in an authoritative manner, of the pecuniary losses sustained by the people who entered upon the lands herein mentioned between the dates of the issuance and revocation of the executive order herein referred to, with a view of their adjustment.

For further information, certain communications from Hon. William F. Vilas, Secretary of the Interior, and Hon. J. D. C. Atkins, Commissioner of Indian Affairs, bearing upon this subject, are annexed hereto and made a part of this report.

The committee recommend the passage of the bill.

DEPARTMENT OF THE INTERIOR,
Washington, February 16, 1888.

SIR: I have the honor to transmit herewith, without consideration of its contents by the Department, a communication of 14th instant from the Commissioner of Indian Affairs, made in reply to your letter of 10th instant addressed directly to him inclosing with request for information upon the subject, H. R. 1944, Fiftieth Congress, first session, entitled "A bill for the relief of the settlers upon the Winnebago and Crow Creek Reservations in Dakota."

The copy of the bill is also herewith returned.

Very respectfully,

WM. F. VILAS,
Secretary.

THE CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 14, 1888.

SIR: This office is in receipt of a note, dated February 10, 1888, from Hon. S. W. Peel, Chairman of the Committee on Indian Affairs of the House of Representatives, inclosing H. R. 1944, Fiftieth Congress, first session, entitled "A bill for the relief of the settlers upon the Winnebago and Crow Creek Reservations in Dakota," with request that said committee be furnished with such information as the office may be able to give touching the matter of the proposed legislation.

The bill provides substantially that the President shall appoint a special agent, who shall, under direction of the Secretary of the Interior, make inquiry and report to him (the Secretary of the Interior), upon the claims for losses of all persons who in good faith, between February 27 and April 17, 1885, settled upon and made claims under the United States land laws, to any lands within the Old Winnebago and Crow Creek Reservations, situate on the east side of the Missouri River, in Dakota Territory, which, by Executive order of the first above mentioned date, were declared to be opened to settlement; that said agent shall have power to summons witnesses and administer oaths; that he shall report what improvements were made by such persons, the value of the same, and all other facts connected therewith, and that the Secretary of the Interior shall transmit said report to Congress with his recommendations thereon.

In reply to the request for information, I have to state that under what appears to have been a mistaken view of the status of the so-called Old Winnebago and Crow Creek Reservation, the President (Arthur) by order of February 27, 1885, restored a very large portion of said reservations to the public domain—some 472,554.93 acres.

Subsequently (April 17, 1885) President Cleveland, by public proclamation, declared and proclaimed "the said Executive order of February 27, 1885, to be in contravention of the treaty obligations of the United States with the Sioux tribe of Indians, and therefore inoperative and void," and warned and admonished all and every person or persons then in occupation of said lands under color of said Executive order, and all who were intending or preparing to enter and settle upon the same thereunder, that they would neither be permitted to remain or enter upon said lands, and requiring all such persons as were already there to vacate and remove therefrom with their effects within sixty days.

It is claimed that between the dates of the order of restoration and the subsequent proclamation nullifying the same a goodly number of persons went upon said lands in good faith, made settlement, and erected and made improvements of greater or less value, and that being compelled to remove under the President's proclamation they suffered great loss in property and personal effects.

It appears to be the purpose of the present bill to pave the way for indemnifying them for their actual losses, and I see no objection to its enactment.

I respectfully refer the committee to Senate Ex. Doc. No. 1, Forty-ninth Congress, first session, which will be found to contain a full history of this case, including the Executive order of February 27, 1885 (page 64), the President's proclamation of April 15, 1885 (page 96), and all the important correspondence with this Department bearing upon the subject.

It might be proper to add that Senate bill No. 1, present Congress, relating to the Great Sioux Reservation contains a provision (sec. 24) similar to the one embraced in the bill under consideration. I inclose the copy of said bill submitted by Mr. Peel, and also a copy of this report.

Very respectfully, your obedient servant,

J. D. C. ATKINS,
Commissioner.

THE SECRETARY OF THE INTERIOR.